

11350  
**MSG**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

MARGO CARLIN,  
Plaintiff

vs.

MICHAEL MARREN, BENSALEM  
RESCUE SQUAD, BENSALEM  
TOWNSHIP, BENSALEM  
TOWNSHIP POLICE  
DEPARTMENT, HULMEVILLE  
ENTERPRISES, INC. t/a  
HULMEVILLE INN AND IMAN,  
INC. t/a BAILEY'S BAR & GRILL,  
Defendants

CIVIL ACTION - LAW

NO. 12 2068

JURY TRIAL DEMANDED

**FILED**

MAY 31 2012

*MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep. Clerk*

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**NOTICE OF REMOVAL**

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AND NOW, comes the Defendant, BENSALEM RESCUE SQUAD, by and through its attorneys, Thomas, Thomas & Hafer, LLP, and files this Notice of Removal, and in support thereof, states and avers the following:

1. The Plaintiff, Margo Carlin ("Carlin"), filed her Complaint against the several Defendants on or about May 7, 2012, in the Court of Common Pleas of Bucks County, Pennsylvania, Docket No. 2012-02202. A copy of the Complaint is attached hereto as Exhibit A.
2. Bensalem Rescue Squad was served with the same on or about May 8, 2012.

3. The Complaint contains several causes of action, including at Count One, claims for "State Created Danger under U.S.C. §1983 and Article XIV of the United States Constitution."

4. While the remaining causes of action arise under Pennsylvania statutory or common law, because the Complaint asserts claims arising out of federal law, this case presents a federal question and the federal courts have jurisdiction pursuant to 28 U.S.C. § 1331.

5. This case is properly removed to this Court in accordance with 28 U.S.C. § 1441, which states that a civil action in which the district courts have original jurisdiction may be removed to the district court for the district and division embracing the place where such action is pending.

6. As the underlying action is currently pending in the Court of Common Pleas of Bucks County, Pennsylvania, which is encompassed within the Eastern District of Pennsylvania, removal to this Court is proper.

7. This Notice is filed within the time for removal set forth in 28 U.S.C. § 1446 (b) since 30 days have not yet passed since Defendant Bensalem Rescue Squad was officially served with a copy of the Complaint setting forth Carlin's claims for relief.

8. The written notice of filing of this Notice of Removal will be given to all parties (and the Bucks County Court of Common Pleas) as required by 28 U.S.C. §1446(b).

9. It is noted that all Defendants concur with removal of this action to this Honorable Court.

WHEREFORE, Defendant Bensalem Rescue Squad respectfully removes this matter to the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

**THOMAS, THOMAS & HAVER, LLP**

By: /s/ Brooks R. Foland

Brooks R. Foland, Esquire  
Identification Number: 70102  
305 North Front Street  
P.O. Box 999  
Harrisburg, PA 17108-0999  
(717) 255-7626  
*Attorney for Defendant Bensalem  
Rescue Squad*

1096334.1

## Exhibit A

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## CERTIFICATE OF SERVICE

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I, Brooks R. Foland, for the law firm Thomas, Thomas, Thomas & Hafer, LLP, hereby certify that I have served a true and correct copy of the foregoing document on the following persons by placing a copy of the same in the United States mail, first class mail, directed to their office addresses as follows:

James J. Byrne, Jr., Esq.  
Kelly S. Sullivan, Esq.  
McNichol, Byrne & Matlawski, PC  
1223 N. Providence Road  
Media, PA 19063

John E. Toczydlowski, Esquire  
Strachan & Hatzell  
4100 One Liberty Place  
1650 Market Street  
Philadelphia, PA 19103

Matthew P. Mann, Esq.  
Barry McTiernan & Wedinger  
1024 Amboy Avenue  
Edison, NJ 08837

Paola T. Kaczynski, Esq.  
William J. Ferren & Associates  
1500 Market Street, STE 2920  
Philadelphia, PA 19102

Michael Marren  
SCI Green, Inmate No. KA6806  
175 Progress Drive  
Waynesburg, PA 15370

/s/ Brooks R. Foland

Date: 5/30/12

**FILED**

MAY 31 2012

*MICHAEL E. KUNZ, Clerk*  
By *[Signature]* Dep. Clerk

## CIVIL COVER SHEET

JS-44 (Rev. 09/11)

The JS-44 civil coversheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, which became effective January 1, 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. SEE INSTRUCTIONS ON REVERSE SIDE OF THIS FORM.

**MSG****I. (a) PLAINTIFFS**

Margo Carlin, 1229 Chestnut Street, Philadelphia, PA

**DEFENDANTS****12 2988**

Michael Marren

SCI Greene

175 Progress Drive, Waynesburg, PA

County of Residence of First Listed Defendant

Greene

(IN ALL PLAINTIFF CASES ONLY)

IN LAND CONDEMNATION CASES USE THE LOCATION OF THE TRACT OF LAND INVOLVED

NOTE: Attorneys (if known):  
*T. R. Foley*

&lt;/



UNITED STATES DISTRICT COURT

2988

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 1229 Chestnut Street, Apt. 1229, Philadelphia, PA

Address of Defendant: 3830 Hulmeville Road, Bensalem, PA 19020

Place of Accident, incident or Transaction: 3830 Hulmeville Road, Bensalem, PA 19020

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes No Yes No 

Does this case involve multidistrict litigation possibilities?

RELATED CASE, IF ANY:

Case Number: \_\_\_\_\_ Judge: \_\_\_\_\_

Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes No 

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes No 

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes No 

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes No CIVIL (Place  in ONE CATEGORY ONLY)

## A. Federal Question Cases:

1.  Indemnity Contract, Marine Contract, and All Other Contracts
2.  FELA
3.  Jones Act-Personal Injury
4.  Antitrust
5.  Patent
6.  Labor-Management Relations
7.  Civil Rights
8.  Habeas Corpus
9.  Securities Act(s) Cases
10.  Social Security Review Cases
11.  All other Federal Question Cases

(Please specify) \_\_\_\_\_

## B. Diversity Jurisdiction Cases:

1.  Insurance Contract and Other Contracts
2.  Airplane Personal Injury
3.  Assault, Defamation
4.  Marine Personal Injury
5.  Motor Vehicle Personal Injury
6.  Other Personal Injury (Please specify) \_\_\_\_\_
7.  Products Liability
8.  Products Liability — Asbestos
9.  All other Diversity Cases

(Please specify) \_\_\_\_\_

## ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Brooks R. Foland, counsel of record do hereby certify:  
 Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;  
 Relief other than monetary damages is sought.

DATE: 5-30-12

Attorney-at-Law

70102

Attorney ID#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 5-30-12

Brooks R. Foland

70102

Attorney-at-Law

MAY 31 2012

Attorney ID#

**MSG** IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**CASE MANAGEMENT TRACK DESIGNATION FORM**

Margo Catlin

CIVIL ACTION

**12 2988**

v.  
 Michael Marren, Bensalem Rescue Squad, Bensalem  
 Township, Bensalem Police Department, Bailey's Bar :  
 & Grill and Hulmeville Inn

NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

**SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:**

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ( )
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ( )
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ( )
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ( )
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.)
- (f) Standard Management – Cases that do not fall into any one of the other tracks.

5/30/12  
**Date**  
 717-255-7626

Brooks R. Foland  
**Attorney-at-law**  
 717-237-7105

Bensalem Rescue Squad  
**Attorney for**  
 bfoland@ithlaw.com

**Telephone****FAX Number****E-Mail Address**

(Civ. 660) 10/02

MAY 31 2012